

REMARKS

Applicants submit an Excess Claim Fee Payment for One (1) additional dependent claim.

Claims 1-5, 8-9, 14-19, and 21-28 are all the claims presently pending in the application. Claim 23 is amended to more clearly define the invention and claims 24-28 are newly added. Claims 1, 14, and 23-24 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicants also note that, notwithstanding any claim amendments herein or later during prosecution, Applicants' intent is to encompass equivalents of all claim elements.

Claims 1-5, 8-9, 14-19, and 21-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Bakker et al. reference.

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention, as recited by, for example, independent claim 1, is directed to a securing clip for securing a first panel member with a second panel member. The securing clip includes a first fitting portion having a U-character shape, and a second fitting portion having a U-character shape. The securing clip has an S-character shape in cross section. The second fitting portion includes a first engaging pawl on an inner wall face. The second fitting portion includes an engagement wall having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion. A portion of the U-character shape second fitting portion, which is common to a portion of the U-character shape first fitting portion forming a middle of said S-character, includes a second engaging pawl opposing the first engaging pawl. The engagement face of the engagement wall is inclined outwardly away from the opening in the closed end of the U-character shape of the second fitting portion.

Conventional securing clips are subject to the risk of a distortion about the hole in the fender protector which may result in the clip releasing from the hole in the fender protector (page 1, line 23 - page 2, line 7).

In stark contrast, the present invention provides an engagement wall having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion and that is inclined outwardly away from the opening in the closed end of the U-character shape of the second fitting portion. In this manner, when the engagement face engages a regulation wall of a fender protector, the inclination of the face causes a wedge effect which tightens the hold of the securing clip to the fender panel if a force attempts to separate the securing clip from the fender protector. (page 5, lines 3 – 7, and page 9, line 6 – 12).

II. THE 35 U.S.C. § 112, SECOND PARAGRAPH REJECTION

The Examiner alleges that claim 23 is indefinite. While Applicants submit that such would be clear to one of ordinary skill in the art to allow them to know the metes and bounds of the invention, taking the present Application as a whole, to speed prosecution claim 23 has been amended in accordance with Examiner Kennedy's very helpful suggestions. Should the Examiner have questions with respect to this aspect of the claimed invention, Applicants respectfully invite the Examiner contact the Applicants' representative to address the issue.

In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

III. THE PRIOR ART REJECTION

The Examiner continues to allege that the Bakker et al. reference teaches the claimed invention. Applicants submit, however, that there are elements of the claimed invention which are neither taught nor suggested by the Bakker et al. reference.

The Bakker et al. reference does not teach or suggest the features of the claimed invention including an engagement wall having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion and that is inclined outwardly away from the opening in the closed end of the U-character shape of the second fitting portion. As explained above, these features are important for creating a wedge effect between the engagement face and a regulation wall of a fender protector which tightens the hold of the securing clip to the fender protector if a force attempts to separate the securing clip from the fender protector.

Applicants note that the "Examiner considers the top, inclined wall of the spring blade

32 to be the inclined face.” However, Applicants note that none of the claims recite an “inclined face.” From the context of the Examiner’s comments, Applicants are assuming that the Examiner is alleging that the top, inclined wall of the spring blade corresponds to the claimed “engagement face” and that the spring blade 32 corresponds to the claimed “engagement wall.” Should this assumption be incorrect, Applicants respectfully request that the Examiner clarify the Examiner’s rejection and point out with particularity using the claim language those features that the Examiner alleges are disclosed.

In this regard, Applicants note that the top, inclined wall face of the spring blade 32 that is disclosed by the Bakker et al. does not correspond to the claimed engagement face. In particular, independent claims 1, 14, 23-24 all recite that the engagement face is “at an end of the engagement wall.” The top, inclined surface of the spring blade 32 does not correspond to the claimed engagement face, because the top, inclined surface is not at an end of the spring blade 32 as required by the claim language.

The allegation in the Office Action that the top, inclined face of the spring blade 32 corresponds to an end of the spring blade 32 stretches the claim language well beyond the broadest reasonable interpretation and certainly does not provide the words of the claims with their plain meaning.

“The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.”
(M.P.E.P. 2111).

“During examination, the claims must be interpreted as broadly as their terms reasonably allow. . . . This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. . . . Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say.”

(M.P.E.P. 2111.01.I).

The allegation that the top, inclined face of the spring blade 32 corresponds to a face that is “at an end” of the spring blade 32, stretches the interpretation of the claim language beyond any broadest reasonable interpretation and certainly well beyond the clear plain meaning of the words.

Applicants note that the spring blade 32 has a face that is at the end of the spring

blade 32. However, the face at the end of the spring blade 32 also fails to meet the claim language as will be described in more detail below.

Further, in regard to the allegation that the top, inclined face of the spring blade 32 corresponds to the claimed engagement face, Applicants note that the top, inclined face of the spring blade 32 does not face an opening in the closed end of a U-character shape of a second fitting portion.

The Office Action alleges that the connector attachment 22 of the Bakker et al. reference corresponds to the claimed U-character shape.

Applicant notes that the connector attachment 22 does not include any opening at all, let alone an opening in the closed end of the connector attachment 22.

Applicant notes that there is a gap between the end of the spring blade 32 and the shoulder 28 of the second arm 16 in the Bakker et al. reference. However, this gap clearly does not correspond to the claimed opening in the closed end of the connector attachment 22.

Therefore, since the clip that is disclosed by the Bakker et al. reference does not include an opening in the closed end of a U-character shape of a second fitting portion, the Bakker et al. reference clearly does not disclose anything at all that faces such an opening as recited by the independent claims.

Applicants respectfully submit that, contrary to the Examiner's allegations, the top, inclined face of the spring blade 32 does not correspond to the features of the claimed invention including an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion.

Additionally, in view of the broadest reasonable interpretation of the plain meaning of the words of the claims, the only feature of the clip that is disclosed by the Bakker et al. reference which may correspond to an engagement face at an end of an engagement wall is the face that is at the end of the spring blade 32, not the top of the spring blade. In other words, the end face of the spring blade 32 which faces the end of the connector attachment 22.

However, as previously pointed out, the end face of the spring blade 32 is inclined outwardly toward the closed end of the second fitting portion. The end face of the spring blade 32 does not incline outwardly away from the closed end of the second fitting portion, as claimed.

Indeed, since the end face of the spring blade 32 is inclined outwardly toward the

closed end, a force attempting to separate the edge clip 10 from an electrical connector 36 would cause the spring blade 32 to slide outwardly along any engaging face and, therefore, tend to permit the spring blade 32 to separate from the electrical connector 36. In other words, since the end face of the spring blade 32 is inclined in the wrong direction, it is not possible to generate a wedge effect between that end face and another face on an electrical connector or fender protector.

In stark contrast, the present invention includes an engagement face of an engagement wall that is inclined outwardly away from an opening in the closed end. In this manner, when the engagement face engages a regulation wall of a fender protector, any force which tries to remove the securing clip from the fender protector will cause a great wedge effect which moves the engagement wall inward, not outwardly, as in the Bakker et al. reference. Thus, the securing clip tightens its grip on the fender protector.

Further, Applicants note that the Office Action alleges that the spring blade 32 that is disclosed by the Bakker et al. reference corresponds to both the claimed engagement wall and the claimed second engaging pawl.

“Bakker et al. disclosed a securing clip . . . an engagement wall (32) . . . and . . . a second engaging pawl (Fig. 3; Examiner considers the two portions extending downwardly from portion 26 to comprise a second engaging pawl) opposing said first engaging pawl (Fig. 4).” (Page 3, line 16 – page 4, line 8).

The Examiner cannot allege that the same spring blades 32 which the Examiner alleges corresponds to the claimed engagement wall also corresponds to the claimed second engaging pawl.

The deficiencies in the Examiner’s allegation in this regard are further highlighted with respect to claim 16. Claim 16 recites that the pair of engagement walls are symmetrically positioned around the second engaging pawl. Clearly, the pair of spring blades 32 cannot be symmetrically positioned around “the two portions extending downwardly from portion 26” (i.e., the spring blades).

Additionally, the Examiner’s rejection also fails to comply with 37 C.F.R. §1.104(c)(2) which requires that “the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.” In this case, the Examiner has not designated that portion of

the clip that is disclosed by the Bakker et al. reference that the Examiner alleges corresponds to the claimed third engaging pawls as recited by claim 22.

Clearly, the Bakker et al. reference does not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

IV. FORMAL MATTERS AND CONCLUSION

The Office Action objects to claim 18 and alleges that “the second U-shaped fitting” should be “said U-character shape of the second fitting portion.” However, claim 18 is dependent upon claim 14 and claim 14 recites “a second U-shaped fitting” and does not recite a “U-character shape of the second fitting portion.” Therefore, the objection is improper and Applicants respectfully request withdrawal of this objection.

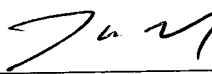
In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-5, 8-9, 14-19, and 21-28, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney’s Deposit Account No. 50-0481.

Respectfully Submitted,

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